

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jackson Mahaffy; Flora Mahaffy; Daniel Nelson; and Paul Von Arx,

Plaintiffs,

Case File No.: 08-4992 (JMR/SRN)

V.

AFFIDAVIT OF ROBERT J. KROLL
IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT

Robert J. Kroll; Wallace M. Krueger;
Christopher J. Bennett; Aaron C. Hanson;
Christopher Bishop; David Campbell;
Toddrick Kurth; Brandon Kitzerow;
James Rugel; Clark Goset; and Mark
Durand, all acting in their individual capacities;
as Minneapolis Police Officers;
and the City of Minneapolis,

Defendants.

STATE OF MINNESOTA)
)SS
COUNTY OF HENNEPIN)

I, Robert J. Kroll, being first duly sworn upon oath, depose and say:

1. I am a defendant in this lawsuit and am employed as a police officer by the City of Minneapolis.
2. I have first hand knowledge of what entity may respond to a 9-1-1 call made by any citizen in the City of Minneapolis.
3. On the night of May 14, 2004, I was off duty and socializing with my friends, Defendant Wallace M. Krueger and his wife Cheryl.

4. An altercation occurred that evening and, using my cell phone, I called 612-348-2345 for help. This is the same as calling 9-1-1.
5. I called 612-348-2345 instead of 9-1-1 because I was using a cell phone and I knew that at that time all 9-1-1 calls were received initially by the State Patrol and then referred to the appropriate police department having jurisdiction over the area in which the action was occurring. I also knew that there was some lag time between when the calls were received by the State Patrol and when they were referred to the dispatch department of the appropriate local agency, in this case the Minneapolis Police Department.
6. My sole purpose in calling 612-348-2345 instead of 9-1-1 was to receive help as soon as possible. I knew that if I called either 9-1-1 or 612-348-2345 Minneapolis police officers would be dispatched to the scene as the altercation occurred on Marshall Avenue in Northeast Minneapolis. I just wanted to have the help arrive on the scene as quickly as possible. Therefore, I called 612-348-2345.

Further your affiant sayeth naught.

s/Robert J. Kroll

Subscribed and sworn before me
this 5th day of March, 2010.

s/Heather Junkert

Notary Public